

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-5807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

**DECLARATION OF RAFEY S. BALABANIAN IN SUPPORT OF
PLAINTIFFS' MOTION TO EXTEND BRIEFING SCHEDULE ON
COMSCORE'S MOTION TO DISMISS**

I, Rafey S. Balabanian, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Partner at the law firm of Edelson LLC, which has been retained to represent Plaintiffs Mike Harris and Jeff Dunstan (collectively, "Plaintiffs") in this matter. I am an adult over the age of 18 and I am fully competent to make this Declaration. I have personal knowledge of all matters set forth herein. If called upon to testify as to such matters, I could and would competently do so.

2. On November 12, 2013, the Parties appeared before the Court for the presentment of Defendant comScore's Motion to Dismiss for improper venue. (Dkt. 271.)

3. At the presentment hearing, Plaintiffs requested until November 15, 2013 to file their Response to the Motion to Dismiss and comScore requested until November 29, 2013 to file its Reply. The Court adopted the Parties' proposed briefing schedule and took the Motion to Dismiss under advisement. (*Id.*)

4. Since the presentment hearing on the Motion to Dismiss, Plaintiffs' counsel has been working on a Response to the Motion to Dismiss, but by Thursday, November 14, 2013, it became clear that a short one-week extension of time to file said Response is necessary.

5. A one-week extension of Plaintiffs' deadline to respond to the Motion to Dismiss is necessary because other professional commitments, mostly with respect to this case, have slightly delayed the preparation and finalization of Plaintiffs' Response brief.

6. In particular, the lead attorneys in this matter have been engaged in the following litigation activity:

- a. Preparing for and engaging in oral argument on Plaintiffs' Renewed Motion to Compel in this case before Magistrate Judge Kim on November 12th;
- b. Preparing for two depositions in this case of comScore's employees that took place on November 13th and 14th;
- c. Preparing for the deposition of Plaintiff Dunstan, set to take place on November 19th, as well as the depositions of three more comScore employees set to take place on November 20th, 21st and 22nd;
- d. Preparing a settlement demand on comScore to be served on November 18th, pursuant to Magistrate Judge Kim's Standing Order on settlement conferences, which is set to take place on November 25th;
- e. Preparing a Reply in Support of Class Certification in the case captioned *Cousineau v. Microsoft Corp.*, No. 2:11-cv-01438 (W.D. Wash.), which was filed the evening of November 12th;
- f. Preparing for and attending a mediation of a putative class action in the case captioned *Cabrera v. Geico*, No., 0:12-cv-61390 (S.D. Fla.), which took place on November 13th in Miami, Florida;
- g. Engaging in on-going mediation in the case *Haught v. Motorola Mobility*, No. 1:12-cv-02515 (N.D. Ill.), presided over by Magistrate Judge Kim, the final terms of which were agreed upon on November 14th; and
- h. Preparing a Reply in Support of a Motion to Lift Stay pursuant to the doctrine of primary jurisdiction in the case captioned *Glauser v. GroupMe*,

Inc., No. 4:11-cv-02584 (N.D. Cal.), which is due to be filed on November 15th.

7. Given these and several other professional commitments that lead counsel has, Plaintiffs are in need of an extra week to file their Response to comScore's Motion to Dismiss.

Executed this 15th day of November 2013 at Chicago, Illinois.

/s/ Rafey S. Balabanian